

Quaker Ridge

Recorded at 8:01 o'clock A.M. MARJORIE PAGE, Recorder
Receipt 2765990 AIR RIGHTS COVENANT

BOOK 4983-560

That the undersigned owners of a parcel of ground situate and being in the County of Arapahoe, State of Colorado, and more particularly described as follows:

Refer to Exhibit "A" attached hereto for legal description.

For themselves, their heirs, successors, administrators and assigns, covenant and agree with the CITY OF AURORA, COLORADO, the STATE OF COLORADO and the UNITED STATES OF AMERICA, or any other governmental agency or department of any of the aforestated political entities or political subdivisions, that the owners or occupants of the lands herein described shall have no right or cause of action, either in law or in equity, for damages or injury to any person or property arising out of or resulting directly or indirectly, from the overflight of aircraft, or for damages or injury to any person or property resulting from any noise or nuisance of any kind or description resulting directly or indirectly, from aircraft overflights above a plane seven hundred fifty feet (750 feet) above ground level; provided, that nothing contained in the foregoing Covenant shall divest the owners or occupants, their heirs, successors, administrators or assigns, of any right or cause of action for damages to any person or property resulting from the negligent operation of aircraft overflights over the described premises at any altitude above ground level.

This Covenant shall run with the land and shall be binding upon each and every property owner owing any of the lands herein described. THE CITY OF AURORA, COLORADO, is hereby nominated as agent for all purposes regarding the enforcement or removal of the within Covenant.

IN WITNESS WHEREOF, the undersigned owners have hereunto placed their hands and seals this 30 day of June, A.D. 1986.

Edward G. Smith & Christina M. Smith

Edward G. Smith
Edward G. Smith

Christina M. Smith
Christina M. Smith

American Property Equities, 1986-A, Ltd., a Colorado Partnership

Phil Hazouri, General Partner
Phil Hazouri, General Partner

ATTEST:

STATE OF COLORADO)
County of Arapahoe) s.s.

The foregoing Covenant was subscribed and sworn to before me this 30 day of June, A.D. 1986, by Edward G. Smith and Christina M. Smith, and Phil Hazouri as General Partner of American Property Equities, 1986-A, Ltd., OWNERS.

Business Address: 4155 E Jewell #610, Denver, CO 80231
My Commission Expires:

Sept. 16, 1993

Exhibit "A"

BOOK 4983 PAGE 561

LEGAL DESCRIPTION

A PART OF THE E1/2, E1/2 OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NE1/4 OF SAID SECTION 30 WHENCE THE NORTHEAST CORNER OF SAID SECTION 30 BEARS N89°54'19"E, 210.01 FEET. SAID POINT BEING ON THE WESTERLY LINE OF P.S.C.O.'S (PUBLIC SERVICE COMPANY OF COLORADO) 210 FOOT R.O.W. RECORDED IN BOOK 1234, PAGE 263 OF THE ARAPAHOE COUNTY RECORDS; THENCE S00°20'11"W ALONG SAID R.O.W. LINE, PARALLEL TO AND 210 FT. WESTERLY OF THE EAST LINE OF SAID NE1/4 A DISTANCE OF 2650.38 FEET TO A POINT ON THE SOUTH LINE OF SAID NE1/4 WHENCE THE EAST 1/4 CORNER OF SAID SECTION 30 BEARS N89°57'22"E, 210.00 FEET; THENCE S00°19'35"W ALONG SAID R.O.W. LINE, PARALLEL TO AND 210 FEET WESTERLY OF THE EAST LINE OF THE SE1/4 OF SAID SECTION 30 A DISTANCE OF 2438.57 FEET; THENCE N89°58'30"W ALONG THE NORTHERLY LINE OF SAID R.O.W., PARALLEL TO AND 210 FEET NORTHERLY OF THE SOUTH LINE OF SAID SE1/4 A DISTANCE OF 1102.77 FEET TO A POINT ON THE WEST LINE OF SAID E1/2, E1/2 OF SECTION 30; THENCE N00°17'43"E ALONG SAID WEST LINE OF THE E1/2, E1/2 A DISTANCE OF 2437.23 FEET TO A POINT ON THE NORTH LINE OF SAID SE1/4; THENCE N00°17'44"E ALONG SAID WEST LINE OF THE E1/2, E1/2 A DISTANCE OF 2319.38 FEET TO A POINT 330.00 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID E1/2, E1/2. SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 1896 AT PAGE 92 OF THE ARAPAHOE COUNTY RECORDS; THENCE N89°54'19"E ALONG THE SOUTHERLY LINE OF SAID TRACT, PARALLEL TO THE NORTH LINE OF SAID NE1/4 OF SECTION 30 A DISTANCE OF 330.00 FEET; THENCE N00°17'44"E ALONG THE EASTERLY LINE OF SAID TRACT, PARALLEL TO SAID WEST LINE OF THE E1/2, E1/2 A DISTANCE OF 330.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE1/4 OF SECTION 30; THENCE N89°54'19"E ALONG SAID NORTH LINE OF THE NE1/4 A DISTANCE OF 775.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 126.476 ACRES, MORE OR LESS.